

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,	:	
	:	Criminal Case No. 3:00CR092(10)
Respondent,	:	Case No. 3:03CV436
	:	
vs.	:	District Judge Walter Herbert Rice
	:	Magistrate Judge Sharon L. Ovington
AZMI R. HAKIM,	:	
	:	
Petitioner.	:	

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**REPORT AND RECOMMENDATION<sup>1</sup>**

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This case is before the Court on Petitioner Azim R. Hakim's *pro se* Motion to Withdraw Pending Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. §2255. (Doc. # 966, # 967). In his Motion, Petitioner states he "... does not want to challenge his conviction and/or sentence, and therefore requests that the said pending motion be withdrawn and dismissed with prejudice." (Doc. # 967 at 1). Petitioner also requests that his case be dismissed "immediately." *Id.*

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<sup>1</sup> Attached hereto is a NOTICE to the parties regarding objections to this Report and Recommendations.

**IT IS THEREFORE RECOMMENDED THAT:**

1. Petitioner's Motion to Vacate, Set Aside or Correct Sentence Pursuant to 28 U.S.C. § 2255 (Doc. #160) be dismissed with prejudice to refiling; and
2. The case be terminated on the docket of this Court.

s/ Sharon L. Ovington

Sharon L. Ovington  
United States Magistrate Judge

March 20, 2006

### **NOTICE REGARDING OBJECTIONS**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within ten days after being served with this Report and Recommendations. Pursuant to Fed. R. Civ. P. 6(e), this period is extended to thirteen days (excluding intervening Saturdays, Sundays, and legal holidays) because this Report is being served by mail. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendations are based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within ten days after being served with a copy thereof.

Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See United States v. Walters*, 638 F. 2d 947 (6th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140 (1985).